

# Notice of Allowability

Application No.

10/761,858

Examiner

Pierre-Louis Desir

Applicant(s)

BRIANCON ET AL

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/24/2007.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/24/2007 has been entered.

### *Allowable Subject Matter*

Claims 1-16 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 1 recites the following steps which are not contained in Mortensen: gathering a plurality of events and storing the events together; selecting a plurality of RRM algorithms to resolve the events, wherein each of the RRM algorithms in the plurality of algorithms is selected based on the plurality of gathered events; invoking the selected RRM algorithms, wherein input to each algorithm comprises at least one of the events and each of the events is an input for at least one of the algorithms; executing the subset of determined RRM algorithms on the radio link.

Mortensen does not disclose or suggest, "gathering a plurality of events and storing the events together." Mortensen discloses one response to one event, namely changing an

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interleaving time length in response to a "congestion situation" which is not defined.. This single response is always a change in a parameter (interleaving time length), not in an algorithm.

Claim 1 is also distinguished over Mortensen for the following reasons. Claim 1 recites the following steps: selecting a plurality of RRM algorithms.., based on the plurality of gathered events; invoking the selected RRM algorithms, wherein input to each algorithm comprises at least one of the events and each of the events is an input for at least one of the algorithms; determining a subset of the selected RRM algorithms, comprising at least two of said algorithms, . . . based on results obtained in the analyzing step; executing the subset of determined RRM algorithms on the radio link;

By contrast, in Mortensen, there is nothing equivalent to the invoking step; the invention of Mortensen receives a "congestion situation" and responds to it by changing an interleaving length. There is no trial of different algorithm combinations corresponding to the invoking step of claim 1.

Vucetic does not remedy these deficiencies. First, there is no teaching in Vucetic corresponding to "gathering a plurality of events and storing the events together." Section 7.2 of Vucetic refers only to "given traffic and interference conditions".

Furthermore, there is nothing in Vucetic corresponding to "determining a subset of the selected RRM algorithms, comprising at least two of said algorithms. Vucetic section 7.2 clearly teaches, repeatedly, that only one algorithm is chosen for responding to "the given traffic and interference conditions."

Claim 9 is patentable over the combination of Mortensen and Vucetic for at least the same reasons presented above concerning claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-7799. The examiner can normally be reached on Monday-Friday 8:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Pierre-Louis Desir  
10/01/2007



JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER